

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re: _____) Bankruptcy No. 22-30245
) Chapter 7
JOSEPH LEROY MAYFIELD, JR.,) (Hearing Scheduled)
) _____
 Debtor. _____)

**NOTICE OF MOTION FOR LEAVE TO WITHDRAW AS COUNSEL
FOR THE DEBTOR AND NOTICE OF HEARING**

TAKE NOTICE that Heather W. Culp and the law firm of Essex Richards, P.A. have filed a Motion for Leave to Withdraw as Counsel for the Debtor and will bring it before the Court for a hearing. A copy of the motion is attached.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant relief sought in motion or objection, or if you want the court to consider your views on the matter, then within 14 days of this notice you or your attorney must do three (3) things:

1. File with the Court a written response requesting that the Court hold a hearing and explaining your position. File the response at:

U.S. Bankruptcy Court, 401 W. Trade Street, Suite 2500, Charlotte, NC 28202.

If you mail your request or response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

2. On or before the deadline stated above for written responses, you must also mail or fax a copy of your written request to:

Heather W. Culp, Essex Richards, P.A., 1701 South Blvd., Charlotte, NC 28203 (fax: 704-372-1357)

U.S. Bankruptcy Administrator, Room 200, 402 W. Trade Street, Charlotte, NC 28202-1669 (fax: 704-344-6666)

3. Attend hearing scheduled to be held August 8, 2022, at 9:30 a.m. at the United States Bankruptcy Court, Courtroom 2B, 401 West Trade Street, Suite 2500, Charlotte, NC 28202.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

This the 21st day of July, 2022.

/s/Heather W. Culp

Heather W. Culp

NC Bar No. 30386

Attorney for the Debtor

Essex Richards, P.A.

1701 South Boulevard

Charlotte, North Carolina 28203

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Fax: (704) 372-1357

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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re: _____) Bankruptcy No. 22-30245
)
JOSEPH LEROY MAYFIELD, JR.,) Chapter 7
)
Debtor.)

MOTION FOR LEAVE TO WITHDRAW AS COUNSEL FOR THE DEBTOR

Heather W. Culp and the law firm of Essex Richards, P.A., counsel of record for the above-referenced debtor Joseph Leroy Mayfield, Jr., move pursuant to Local Bankruptcy Rule 2091-1(b) and Rules 1.7(b) and 1.16(a)(1) of the North Carolina State Bar Rules of Professional Conduct for entry of an order granting them leave to withdraw as Mr. Mayfield's counsel of record. In support of this motion, undersigned counsel states as follows:

1. On May 31, 2022, Mr. Mayfield filed a voluntary petition giving rise to this case. Undersigned counsel assisted the Debtor with the preparation of the petition, schedules and statements.

2. Mr. Mayfield's initial meeting of creditors was held on June 29, 2022. An attorney for one of Mr. Mayfield's creditors attended and asked questions about certain lines of Mr. Mayfield's Official Form 122A-2 (Means Test Calculation). Mr. Mayfield's meeting of creditors is continued to July 27, 2022.

3. The questions about Mr. Mayfield's means test calculation prompted undersigned counsel to revisit the calculation. There is an error in line 16 (taxes) that, when corrected, results the presumption of abuse arising in Mr. Mayfield's case. 11 U.S.C. § 707(b).

4. Undersigned counsel informed Mr. Mayfield of this error on July 7, 2022 and has had three conversations with him about it and the resulting options (two on July 7, 2022 and one on July 14, 2022). The conversations deteriorated to such a degree that the representation of Mr. Mayfield involves and is burdened by a concurrent conflict of interest that prevents movants from providing competent and diligent representation to him. North Carolina Rule of Professional Conduct ("the Rules" or "NC RPC") 1.7(b)(1).

5. The North Carolina Rules of Professional Conduct *require* withdrawal from representation if the representation will result in a violation of the Rules. NC RPC 1.16(a). Continued representation of Mr. Mayfield will violate the concurrent conflict of interest rule set out in NC RPC 1.7(b)(1).

WHEREFORE, movants pray that the Court enter an Order granting this motion, allow movants leave to withdraw as Mr. Mayfield's counsel of record, and grant and such further relief as is just and proper.

This the 21st day of July, 2022.

/s/Heather W. Culp

Heather W. Culp
NC Bar No. 30386
Attorney for the Debtor
Essex Richards, P.A.
1701 South Boulevard
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Tel: (704) 377-4300
Fax: (704) 372-1357
E-mail: Heather.Culp@essexrichards.com

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of July, 2022, I electronically filed the foregoing **NOTICE OF MOTION FOR LEAVE TO WITHDRAW AS COUNSEL FOR THE DEBTOR AND NOTICE OF HEARING** and **MOTION FOR LEAVE TO WITHDRAW AS COUNSEL FOR THE DEBTOR** with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the parties registered for service via CM/ECF, including:

Shelley K. Abel, U.S. Bankruptcy Administrator
A. Burton Shuford, Chapter 7 Trustee

I further certify that foregoing was this day served on the following parties listed below by mailing a copy of the same in an envelope addressed to each party with proper postage attached and deposited in an official depository under the exclusive care and custody of the United States Postal Service:

And via e-mail to:

Joseph Leroy Mayfield, Jr.
11717 Smart Lane
Charlotte, NC 28277

Via e-mail only to jev@blancolaw.com:

James Vaughan
Blanco Tackabery

All on attached matrix.

/s/Heather W. Culp

Heather W. Culp
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Thu Jul 21 11:36:40 EDT 2022

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Monroe, NC 28112-5026

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Charlotte, NC 28247-0038

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714 Post Road
Darien, CT 06820-4717

Fairfield County Bank
Fairfield County Bank Headquarters
150 Danbury Road
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Palmyra, VA 22963-0299

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Charlotte, NC 28202-0215

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Philadelphia, PA 19101-7346

Internal Revenue Service
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Charlotte, NC 28202-1698

U.S. Bank Trust National Association
300 Delaware Avenue, 9th Floor
Wilmington, DE 19801-1607

A. Burton Shuford
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Mint Hill, NC 28227-8265

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